

To: EMS Services & Other Interested Parties

Date: June 7, 2006

Subject: Proposed Rule Changes

In order to integrate with rules adopted by the Board of Medical Examiners to allow endorsement levels of care, the EMS & Trauma Systems Section, Department of Public Health and Human Services proposed new rules to allow EMS services to be licensed to provide endorsement levels of care. As you may recall, any service that is currently providing endorsement levels of care is being authorized through waivers submitted to us. Waivers are temporary (no more that 6 months at a time) and a rule change is needed to provide a more permanent solution.

Abbreviated history of events

Along with some updating of several outdated sections of our licensing rules, changes to formally allow endorsement levels of care were initiated. A public hearing was held last summer and all remarks from that hearing and other written comments were considered. As such, the Department submitted final changes and responses to the Secretary of State (SOS) last December. While these rule changes were noticed on the SOS website at that time, we were not authorized to send EMS services the rules and to begin implementing the changes until a final, certified copy was received from the SOS. Such a copy was received recently, but it had numerous clerical errors and revised language was again submitted in the last couple of weeks. Hence, changes to the EMS rules were again noticed on the SOS website on June 1. Now that proposed changes are posted, we are authorized and required to notify all EMS services and other interested parties of these proposed changes.

Overview of proposed rule changes

Several sections of the rules are being updated and revised. Among them, the primary sections relative to licensing EMS services to provide endorsement level of care include:

- Definition of advanced life support - "Advanced life support (ALS)" means an advanced life support provider as defined in ARM 24.156.2701. ("Advanced life support" or "ALS" means any provider that functions at any endorsement level above EMT-B.)
- "Advanced life support service" means an ambulance service or nontransporting medical unit that has the capacity and is licensed by the department to provide care at the EMT-Paramedic equivalent level 24 hours a day, seven days a week
- "Authorization" means the authorization for an ambulance service or nontransporting medical unit to provide limited advanced life support as provided in ARM 37.104.109.

- "Basic life support (BLS)" means a basic life support level of care as defined in ARM 24.156.2701.
- 24.156.2701 Basic life support" or "BLS" means any provider that functions at the endorsement level of:
 - (a) EMT-F;
 - (b) EMT-F with any endorsements; or
 - (c) EMT-B without any endorsements.
- "Level of service" means either basic life support, intermediate life support or advanced life support services.
- BASIC LIFE SUPPORT SERVICE LICENSING
 - (1) An ambulance service or nontransporting medical unit (NTU) capable of providing service only at the basic life support level will be licensed at the basic life support level.
 - (a) An ambulance service or NTU that provides advanced life support but cannot reasonably provide it 24 hours per day, seven days per week due to limited personnel, will receive a basic life support license.
 - (b) Ambulance services or NTUs shall request authorization for (1)(a) by submitting a service plan on forms provided by the department.

If adopted, what would these rules do?

These rules provide for four (4) levels of licensing:

- 1) Basic life support – services that only provide basic life support will receive a basic life support license.
- 2) Basic life support with authorization for advanced life support – services that have the capability of providing advanced life support (any level or endorsement above EMT-Basic), but do not have enough staff to reasonably provide such care 24/7 will apply for authorization to provide ALS under a basic life support license.
- 3) Intermediate life support – services which can reasonably provide intermediate level of care 24/7.
- 4) Advanced life support – services which can reasonably provide paramedic level of care 24/7.

This licensing schema helps clarify what level(s) of ALS care an EMS service can provide and how much they plan to provide it.

- Under current rules, even a service with one paramedic or one EMT-Basic with an endorsement applies for - and receives - an advanced life support license. These proposed rule changes would require such a service to apply for a basic life support license with an authorization to provide ALS when personnel are available.
- With the changes proposed last summer, services which can reasonably provide any level of ALS 24/7 can apply for - and receive - an ALS license. As such, a service all staff authorized for monitoring (or any other) endorsement and can provide such ALS

care 24/7 would apply for - and receive - an advanced life support license.

- Under the proposed changes in this notice, only services which can reasonably provide paramedic equivalent level care 24/7 would be able to apply for and receive an advanced life support license.
- BLS services which are authorized to provide ALS on a limited basis will be evaluated differently than if they are pooled with all other ALS services as is current practice. If there is a concern or complaint about ALS care, we will first evaluate the service's delivery of BLS care. Then on another level, the appropriateness of ALS care the individual provides will be evaluated.

What these rules DO NOT do:

These rules do not restrict a service from providing any level of ALS they have worked to train and be authorized to do. Many services have put in hours of training and significant costs to provide advanced care to their communities. These proposed rules support and enhance a service's ability to continue to provide such services.

These rules do not restrict a service's ability to bill for ALS services which are provided to their patients. Before rules were proposed last August, we met with Blue Cross/Blue Shield (CMS) and Medicaid about this change and they agreed that there would be no problems with BLS services billing for advanced life support care legally authorized through us. In a recent correspondence from CMS, they state "Jim, per your request, this is a follow-up to our phone conversation pertaining to BLS ambulances that have requested a waiver from the State EMS department that would allow them to transport as an ALS if all requirements for that run are being supplied. Once our office would receive a copy of the affidavit we would simply change their ambulance level to ALS from BLS. This would allow them to submit for any ALS service. As we discussed it will be the ambulances responsibility to only bill Medicare ALS when they transport that way..."

Services which currently have a waiver to provide endorsement level of care are authorized to bill for ALS services and they will be able to continue to do so under these proposed rules.

These proposed rules are open to comment until June 22. Additional information is on our website at <http://MontanaEMS.mt.gov>. The entire notice is on the Secretary of State's website at: <http://sos.mt.gov/ARM/Register/archives/MAR2006/index.asp> (Issue 11).

Unfortunately, there is a considerable amount of incorrect information about these proposed changes. If you have further questions, please feel free to contact me anytime at 444-4460 or at jdettienne@mt.gov.

Thanks.

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